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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,413	09/20/2000	Koichi Sato	P19601	8542
7055	7590	09/30/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C.			SELBY, GEVELL V	
1950 ROLAND CLARKE PLACE			ART UNIT	
RESTON, VA 20191			PAPER NUMBER	
			2615	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/665,413

Applicant(s)

SATO, KOICHI

Examiner

Gevell Selby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5,7-11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see the amendment, filed 7/14/05, with respect to the rejection(s) of claim(s) 1-13 under 35 U.S.C. 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Niwa, US 6,538,692.

### ***Specification***

2. The disclosure is objected to because of the following informalities:  
The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

- a. Claim 14 recites the limitation "blank recording mode" in line 8. There is insufficient antecedent basis for this limitation in the specification.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**4. Claims 1, 3-5, 7-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moronaga et al., US 5,956,084, in view of Niwa, US 6,538,692.**

In regard to claim 1, Moronaga et al., US 5,956,084, discloses a photographing operation control device for an electronic still camera (see figure 1), comprising:

a volatile buffer memory (see figure 1, element 28 and column 9, lines 44-49) that temporarily stores image data obtained through a photographing optical (see column 9, lines 35-44); and

a blank photographing operation performing processor (see figure 1, element 44) that performs a photographing operation in a blank photographing mode, such that upon, said photographing, said image data is stored in said buffer memory without being stored in a recording medium, when no recording medium is installed in the electronic still camera (see column 12, lines 1-24), when a recording medium without a blank recording area image data is installed in the electronic still camera (see column 11, lines 3-10), and sufficient to store said image data, is installed in the electronic still camera (see column 12, line 63-column 13, line 7),

a recording medium sensing processor that senses whether the recording medium is mounted (see Taniguchi: switch 10-On and column 8, lines 21-23);

a blank recording area sensing processor (see figure 1, element 46) that senses whether a blank recording area exists in the recording medium (see column 10, line 20-22); and

a photographing mode selecting processor (see figure 1 , element 44) that selects one of said blank photographing mode and said normal photographing mode, said photographing mode selecting processor being able to select said blank photographing mode when said recording medium sensing processor and said blank recording area sensing processor sense that the recording medium having the blank recording area is installed in said device (see column 12, line 56 to column 13, line 7).

The Moronaga reference does not disclose comprising:

a volatile buffer memory configured to overwrite the image data with subsequent image data obtained from a subsequent photographing operation; and

a normal photographing operation performing processor that performs a photographing operation in a normal photographing mode in which, after storing said image data in said buffer memory, said image data is read from said buffer memory and recorded in said recording medium.

Niwa, US 6,538,692, discloses comprising:

a buffer memory (figure 6, element 44) configured to overwrite the image data with subsequent image data obtained from a subsequent photographing operation (see column 10, lines 37-40); and

a normal photographing operation performing processor (see figure 6, element 40) that performs a photographing operation in a normal photographing mode in which, after storing said image data in said buffer memory, said image

data is read from said buffer memory and recorded in said recording medium (see column 10, lines 56-60).

It would have been obvious to one of ordinary skill in the art to have been motivated to modify Moronaga et al., US 5,956,084, in view of Niwa, US 6,538,692, to have

a volatile buffer memory configured to overwrite the image data with subsequent image data obtained from a subsequent photographing operation; and

a normal photographing operation performing processor that performs a photographing operation in a normal photographing mode in which, after storing said image data in said buffer memory, said image data is read from said buffer memory and recorded in said recording medium, in order to prevent image data recording from being interrupted before the desired image data is recorded as taught by Niwa (see column 11, lines 43-45).

In regard to claim 3, Moronaga et al., US 5,956,084, in view of Niwa, US 6,538,692, discloses a device according to claim 2. Moronaga discloses wherein that the said photographing mode selecting processor comprises a photographing mode set switch (see figure 1, element 13) by which said blank photographing mode is set, and which is provided in a camera body of the electronic still camera (see column 12, lines 56-66).

In regard to claim 4, Moronaga et al., US 5,956,084, in view of Niwa, US 6,538,692, discloses a device according to claim 1.

Moronaga discloses wherein said blank photographing operation performing processor performs said photographing operation in said blank photographing mode when

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said recording medium sensing processor senses that said recording medium is not mounted (see column 10, lines 20-22 and column 12, line 1-24).

In regard to claim 5, Moronaga et al., US 5,956,084, in view of Niwa, US 6,538,692, discloses a device according to claim 1. Moronaga discloses wherein said blank photographing operation performing processor performs said photographing operation in said blank photographing mode when said blank recording area sensing processor senses that said recording medium has no blank recording area (column 11, line 3-10).

In regard to claim 7, Moronaga et al., US 5,956,084, in view of Niwa, US 6,538,692, a device according to claim 1. Niwa discloses further comprising an image data transfer processor (see figure 6, element 46) that transfers said image data stored in said buffer to the recording medium (see column 10, lines 58-60).

In regard to claim 8, Moronaga et al., US 5,956,084, in view of Niwa, US 6,538,692, discloses a device according to claim 7. Niwa discloses wherein said image data transfer processor transfers said image data to the recording medium when said normal photographing mode is set (see column 10, lines 56-60).

In regard to claim 9, Moronaga et al., US 5,956,084, in view of Niwa, US 6,538,692, discloses a device according to claim 1. Moronaga discloses further comprising a mode informing processor (see figure 1, element 44) that informs that said blank photographing mode is set (see figure 3B, indication mark 22 and column 12-56-65: the processor displays the indication mark on the internal memory side of the display to indicate blank photographing mode).

In regard to claim 10, Moronaga et al., US 5,956,084, in view of Niwa, US 6,538,692, discloses a device according to claim 1. Moronaga discloses further comprising a non-mounting condition informing processor (see figure 1, element 44) that informs that the recording medium is not mounted (see column 10, lines 20-22 and figure 3).

In regard to claim 11, Moronaga et al., US 5,956,084, in view of Niwa, US 6,538,692, discloses a device according to claim 1. Moronaga discloses further comprising a non-existing condition informing processor (see figure 1, element 44) that informs that the recording medium has no blank recording area (see figure 3c, element 63 and column 11, lines 5-10).

In regard to claim 13, Moronaga et al., US 5,956,084, discloses a photographing operation control device for an electronic still camera (see figure 1), comprising:

- a system controller (see figure 1, element 44);

- a volatile buffer memory for temporarily storing image data (see figure 1, element 28 and column 8, lines 40-41);

- a photographing mode set switch (see figure 1, element 13) for switching a photographing operation between a normal photographing mode (recording in the external memory) and a blank photographing mode (recording in the internal memory) (see column 9, lines 35-40),

- wherein, when said photographing operation is set to said normal photographing mode (see figures 18 A and B) and an image is photographed, said



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system controller transfers said image data to a recording medium (see column 10, line 61 to column 11, lines 3),

when said photographing operation is set to said blank photographing mode and an image is photographed, said system controller stores image data in said buffer memory and does not automatically transfer said image data to a recording medium (see column 12, line 63 to column 13, line 4),

wherein when said system controller determines that a recording medium is not installed in said electronic still camera (see column 12, lines 1-24), or a recording medium is installed but does not include a blank recording area sufficient to store image data (see column 11, lines 3-10), said system controller automatically sets said photographing operation to said blank photographing mode.

The Moronaga reference does not disclose comprising:

a volatile buffer memory configured to overwrite the image data with subsequent image data obtained from a subsequent photographing operation; and

wherein, when said photographing operation is set to said normal photographing mode and an image is photographed, said system controller temporarily stores image data in said buffer memory and subsequently automatically transfers said image data to a recording medium.

Niwa, US 6,538,692, discloses comprising:

a buffer memory (figure 6, element 44) configured to overwrite the image data with subsequent image data obtained from a subsequent photographing operation (see column 10, lines 37-40); and

a normal photographing operation performing processor (see figure 6, element 40) wherein, when said photographing operation is set to said normal photographing mode and an image is photographed, said system controller temporarily stores image data in said buffer memory and subsequently automatically transfers said image data to a recording medium (see column 10, lines 56-60).

It would have been obvious to one of ordinary skill in the art to have been motivated to modify Moronaga et al., US 5,956,084, in view of Niwa, US 6,538,692, comprising:

a volatile buffer memory configured to overwrite the image data with subsequent image data obtained from a subsequent photographing operation; and

wherein, when said photographing operation is set to said normal photographing mode and an image is photographed, said system controller temporarily stores image data in said buffer memory and subsequently automatically transfers said image data to a recording medium, in order to prevent image data recording from being interrupted before the desired image data is recorded as taught by Niwa (see column 11, lines 43-45).

**5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa, US 6,538,692, in view of Moronaga et al., US 5,956,084.**

In regard to claim 14, Niwa, US 6,538,692, discloses a photographing operation control device for an electronic still camera (see figure 6), comprising:

a buffer memory (see figure 6, element 44) configured to temporarily store first image data (see column 10, lines 47-52) and to overwrite the first image data with subsequent image data obtained in a subsequent photographing operation (see column 10, lines 37-38); and

a system controller configured to transfer the image data from the volatile buffer to a recording medium detected as having sufficient blank space to store the image data (see column 10, line 56 to column 11, line 18).

Niwa does not disclose that the buffer memory is volatile and not transferring the image data from the volatile buffer to a recording medium detected as having sufficient blank space to store the image data, when a blank photographing mode is selected.

Moronaga discloses an electronic camera with a volatile buffer memory (see figure 1, element 28) for temporally storing image data (see column 9, lines 40-43) and not transferring the image data from the volatile buffer to a recording medium detected as having sufficient blank space to store the image data, when a blank photographing mode is selected (see column 12, line 56 to column 13, line 7).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Niwa, US 6,538,692, in view of Moronaga et al., US 5,956,084 to have a volatile buffer memory and to not transfer the image data from the volatile buffer to a recording medium detected as having sufficient blank space to store the image data, when a blank photographing mode is selected, in order to let the

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user decide which images to transfer to the external memory, so unwanted images do not take up space on the memory and the unwanted images will be automatically erased.

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs



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